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ABSTRACT

This self-instructional module, the last in a series of 16 on techniques for coordinating work experience programs, deals with affirmative action. Addressed in the module are the following topics: the nature of affirmative action legislation and regulations, the role of the teacher-coordinator as a resource person for affirmative action procedures, the meaning of the term "reasonable accommodation" and the four elements of accommodation, and common employer concerns about hiring handicapped persons. The module contains a series of pretests, learning activities, and self-checks; a posttest; answers to the pretests; and a list of additional resources. Appended to the module is a checklist that outlines an action plan to assist with affirmative action and compliance. (MN)

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Affirmative Action

This module contains two major parts:

1. Information about the teacher-coordinator's role as a resource person for Affirmative Action procedures.
2. Explanations of affirmative action legislation and regulations.

Prerequisite for module: Module1: Values of Cooperative Education, Module 2: Coordination Techniques

When you have completed this module, you will:

GOAL 1: Understand affirmative action and your role in affirmative action as a teacher-coordinator.

GOAL 2: Define reasonable accommodation and the four elements of accommodation.

GOAL 3: Identify and answer common employer concerns about hiring the handicapped.

To begin this self-instructional module, please turn to the pre-test on page 2.

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The Work Experience Modules were developed by Work Experience teacher-coordinators, Vocational Education teacher-coordinators, University teacher educators, and Special Needs consultants in Iowa. Funding for the coordination techniques project was provided through grants from Iowa Department of Public Instruction, Career Education Division.

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Module 14: Vocational Assessment - Dr. William Callahan
Module 15: Support Services - Mr. John Struck
Module 16: Affirmative Action - Dr. Carl Shawhan and Dr. Ray Morley

The Work Experience Advisory Committee designed the coordination techniques model and developed the module titles and goals. The committee was also extensively involved in editing each module and suggested additions, corrections, and revisions. The Work Experience Advisory Committee included:

Dr. Roger Ditzenberger - Project Co-Director
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The modules have been field-tested by over 250 teachers in Special Education and over 200 pre-service students in Special Education and Vocational Education.

Production of the modules was coordinated by Ms. Linda Welton. Modules were typed, edited, and assembled by Ms. Linda Welton, Ms. Julie Adams, and Ms. Kris Eichelberger.

WORK EXPERIENCE MODULES

BUSINESS EDUCATION AND ADMINISTRATIVE MANAGEMENT
UNIVERSITY OF NORTHERN IOWA
in cooperation with
SPECIAL NEEDS SECTION
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1982

PRE-TEST: GOAL 1

UNDERSTAND AFFIRMATIVE ACTION AND YOUR ROLE IN AFFIRMATIVE ACTION AS A TEACHER COORDINATOR

DIRECTIONS: If you wish to attempt the module assessment, complete the questions for the pre-test. If you do not wish to take the pre-test, turn to page 3 to begin the Learning Activities.

1. Describe affirmative action as it relates to the handicapped.

2. Describe the primary role of a work experience teacher coordinator in affirmative action.

3. Identify the primary federal legislative act and the three major sections of that act that relate to employment of qualified handicapped persons.

DIRECTIONS: When finished with the pre-test, please turn to page 26 and compare your answers with the pre-test key. If you missed any of the questions, complete the learning activities.

LEARNING ACTIVITIES

GOAL 1: UNDERSTAND AFFIRMATIVE ACTION AND YOUR ROLE IN AFFIRMATIVE ACTION AS A TEACHER COORDINATOR

DIRECTIONS: Read pages 3-7 and then complete the Self-Check.

INTRODUCTION:

A central role of a teacher-coordinator is that of resource person. This is particularly true in the area of Affirmative Action. The coordinator serves as a resource to students with handicapping conditions. Also the coordinator can become an effective resource to employers in the community.

It is important to remember that the work experience teacher coordinator is NOT an enforcer for the federal government. Affirmative Action legislation can not and should not be used as a threat to coerce potential employers to hire students who are handicapped. The best way to meet the employment needs of handicapped students is to develop and maintain a good relationship with employers. In that way you become an effective resource in the development of job opportunities. All private employers want to make a profit.

- a quality service or product provided will contribute to profitability.
- a quality worker is key to cost containment and to profitability.
- the work experience student, when selectively placed, will be a profitable investment for the employer.
- any accommodations the employer must make to employ a handicapped individual must be reasonable and allow for productivity and profitability.

Anything more, will be a request for preference, not equal opportunity. Students do not need charity, just a chance to demonstrate productivity on the job.

WHAT IS AFFIRMATIVE ACTION?

The Iowa Civil Rights Commission defines Affirmative Action as a process which consists of specific, result-oriented procedures designed to effect change. It can be thought of as "sound administrative practices." The focus, however, is upon classes of people who have required special legislation to ensure an equal opportunity to compete in the labor

market: that is, certain racial-ethnic minority groups; women; members of certain ages; and the physically or mentally handicapped. These individuals are referred to as "protected classes."

AFFIRMATIVE ACTION AND THE HANDICAPPED

Beginning with the Fifth Amendment of the U.S. Constitution, any person who is handicapped is protected by all laws and/or regulations affecting each of us as citizens and workers. If the person who is handicapped is also a member of another protected class, i.e., racial-ethnic minority, sex, age, he/she is protected by those statutes as well. The Vietnam Era Veterans Readjustment Assistance Act, Section 402, prohibits discrimination in hiring, placement, and advancement of disabled veterans. Many states now also have mandates specifically addressing employment of individuals who are handicapped, i.e., the Iowa Civil Right Act - Chapter 601A of the Iowa Code (as amended).

THE REHABILITATION ACT OF 1973, TITLE V

The Rehabilitation Act of 1973, Title V, as amended, is the key legislation which promotes and expands employment opportunities for individuals who are handicapped. Title V of the Rehabilitation Act of 1973 has three sections that relate to employment of qualified handicapped persons.

1. Section 501 deals with employment of qualified handicapped individuals in departments and agencies of the federal government and requires development of Affirmative Action Programs.

2. Section 503 relates to federal contract recipients and their subcontractors and requires that any company obtaining a federal contract of $2500 or more take Affirmative Action to employ qualified handicapped individuals.

3. Section 504 covers any program or activity receiving federal financial assistance (often in the form of grants). This section has been most widely publicized, particularly in education, because it not only outlaws discrimination in employment, but insures the right of handicapped individuals to participate in and to receive, without discrimination, the benefits of any activity or program receiving federal financial assistance.

SECTION 503 - A CONTRACTUAL RIGHT

Unlike the sweeping Title VII of the Civil Rights Act of 1964, Section 503 of the Rehabilitation Act of 1973 does not prohibit discrimination of all handicapped individuals by all employers. Instead, it mandates Affirmative Action for qualified handicapped individuals as a contractural obligation of employers and their subcontractors who do business with the federal government. Section 503 covers about 3,000,000 companies doing business with the federal government. It is estimated that these companies employ more than one half of the work force in the United States. Any business is included that has federal contracts or subcontracts over $2,500 for supplies or services or for the use of real or personal property, including construction.

-- "Services" include things such as custodial work, utilities, transportation, insurance, construction, research, etc.

-- "Construction" includes not only erection of buildings but repair, alteration, expansion, demolition, etc. Highway contracts are not included.

WHAT MUST AN EMPLOYER DO?

1. Each employer doing business with the federal government under a contract in excess of $2,500 must take "affirmative action" to hire handicapped applicants. This also applies to job assignments, transfers, training, promotions, terminations, etc. The individual who is handicapped must have equal opportunity with regard to all personnel actions.

2. Each federal contractor covered must include an affirmative action clause in every contract or subcontract. The clause must address these points:

   a. The contractor agrees not to discriminate against any handicapped person who is qualified to do the job. Also, the contractor will take affirmative action to hire, advance, and in general, treat individuals who are handicapped without discrimination.

   b. The contractor agrees to abide by all Department of Labor rules and regulations.

   c. In event of noncompliance, the contractor will be declared in default.

   d. The contractor will post notices of affirmative action in conspicuous places in the plant

   e. The contractor will notify all union or worker representatives that he/she is covered by Section 503.

   f. The contractor will include the affirmative action clause in all subcontracts or purchase orders of more than $2,500.

TYPCIAL CLAUSE

. . . "agree to take affirmative action to employ, advance in employment and otherwise treat qualified handicapped individuals without discrimination based upon their physical or mental handicap in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation and selection for training, including apprenticeships."

LARGER CONTRACTORS

An Affirmative Action Program which identifies policies and practices regarding handicapped applicants and employees must be developed and maintained by each federal contractor holding a contract or subcontract of $50,000 or more and having at least 50 employees. This must be accomplished within 120 days of contract commencement.

The program may be kept separate from or integrated with other affirmative action programs. It must, however, be identifiable and retrievable. The program must be reviewed and where necessary updated each year. Explanations of major changes must be easily available to applicants and employees.

A checklist for Section 503 can be found in Appendix 1-7. This is not the law and does not assure compliance. It does, however, provide a guide to assist you as an employer resource. The provisions of the Rehabilitation Act are reviewed regularly and may be changed by Congress. While regulations are currently being enforced as described in this module, it is important that you keep up to date with changes in the legislation.

SECTION 503 - WHO IS HANDICAPPED?

For the purpose of this law, a "Handicapped" individual is anyone who has a physical or mental impairment, or a record of such an impairment, which substantially limits one or more major life activities. "Substantially Limits" means the degree that the impairment affects employability. A handicapped person is likely to experience difficulty in securing, retaining, or advancing in employment because of the handicap. "Major Life Activities" include: communication, ambulation, self-care, transportation, employment socialization, education, training, and housing.

Some examples of handicapped include: (1) a person who is paraplegic, or deaf, or blind would have "an impairment substantially limiting one or more major life's activities. So would a mentally retarded person and perhaps, one labeled "learning disabled," (2) a person with a history of heart disorder, cancer, drug addiction, or one who has been in a mental hospital and has been rehabilitated would have "a record of such impairment", even though sound or recovered at this time, (3) a person who appears to be handicapped or who people think is handicapped, i.e., a person who might seem mentally retarded but isn't would be regarded as having such an impairment, so would be included within the legislation.

Are all Handicapped Individuals Covered by Section 503?

No! The individual must be job qualified. A person must be capable of performing a particular job - with reasonable accommodation for the handicap. The Department of Labor intends to amend this definition to correspond with one recently developed under Section 504 rules for grant recipients. Here a qualified individual is one who "is capable of performing essential functions of the job...with reasonable accommodation to his or her handicap."

WHAT SECTION 503 DOES

- Assure qualified handicapped people equal consideration for job oportunities along with all other applicants.
- Provide under Section 503 a procedure that will give careful, thorough and systematic consideration to the job qualifications of the handicapped person.
- Require special accommodations for handicapped persons.
- Protect the qualified individual from being locked into dead-end jobs or from being discriminated against for promotions because of the handicapping condition.
- Provide for the development of broader job opportunities for qualified handicapped persons.
- Challenge education professionals to be innovative and develop new areas of employment for handicapped persons.

WHAT SECTION 503 DOES NOT DO

- Require goals, timetables, and personnel quotas.
- Provide a panacea for all employment problems of handicapped persons.
- Create jobs for a protected class.
- Offer immediate relief for those who feel discriminated against.
- Give specific guidelines regarding "reasonable" accommodation.
- Affect all employers.
- Provide for priority treatment.

SELF-CHECK

1. Which employers are covered by Section 503?

2. What does Section 503 require of all covered employers?

3. What must larger contractors do?

4. Who is included in the definition of handicapped?

DIRECTIONS: When finished compare your answers with the information given on page 23. If you would like additional information, please turn to the Additional Resources listed on page 29.

PRE-TEST: GOAL 2

DEFINE REASONABLE ACCOMMODATION AND THE FOUR ELEMENTS OF ACCOMMODATION

DIRECTIONS: If you wish to attempt the goal assessment, complete the questions on this page. If you do not wish to take this pre-test, turn to page 10 and begin the Learning Activities.

1. Define "Reasonable Accommodation."

2. Identify the four areas of job accommodation.

DIRECTIONS: When finished with the pre-test, please turn to page 26 and compare your answers with the pre-test key.

LEARNING ACTIVITIES

GOAL 2: DEFINE REASONABLE ACCOMMODATION AND THE FOUR ELEMENTS OF ACCOMMODATION

DIRECTIONS: Read pages 10-13 and the complete the Self-Check.

INTRODUCTION:

There are significant differences between affirmative action programs for handicapped individuals and affirmative action legislation for other protected classes. Employers must make reasonable employment accommodations for the handicapped, but are not held to specific goals and timetables for that accommodation. Section 503 contains NO goals and NO timetables. We are guided, instead, by common sense and the concept of "reasonable accommodation."

WHAT DOES "REASONABLE ACCOMMODATION" MEAN?

The employer often envisions bulldozers at work, swarms of carpenters, total disruption of business operations and monumental expense to meet the needs of the handicapped. WRONG! Reasonable accommodation is a much broader concept than massive alteration of physical facilities. And, often it can be accomplished at a very reasonable cost. Accommodations can be described in four basic areas: accessibility, job redesign or restructuring (job engineering), work-site modifications, and attitude modifications.

1. Accessibility

   At a minimum, the employer must provide access to the personnel office or arrange some other system of interviewing applicants in an accessible location.

   There must be a barrier-free path to the work site. This can mean reserved parking, trimming shrubs that obstruct walkways, ramps, or furniture rearrangement. The applicant must be able to get into the employer's facility, to the work site, restroom, and cafeteria.

2. Job Redesign or Restructuring (Job Engineering)

   For many jobs responsibilities or tasks of a job can be altered, or job sharing, part-time work, or shift changes may be possible. This requires a good look at the job to determine what functions are essential and what changes can be feasibly made. A job analysis is an excellent starting point. You, as a teacher-coordinator, can help here. Remember matching the individual and the job requires that you know the capabilities, interests, functional limitations, etc. of each student. Each handicapped person and each job is unique and a careful analysis can identify a variety of possible accommodations.

An applicant may be well qualified for a position, but a few tasks can't be done. Transfer of duties can be an effective answer. Tasks of several jobs may be combined and redistributed.

If supplies aren't accessible, another employee can routinely bring supplies to the work station of a mobility impaired person. For a mobility impaired typist, a mail distribution task, not an essential job function, might be traded to another worker for a task that doesn't require mobility.

Many persons including some who are visually impaired, have a hearing loss, are mentally retarded, etc. might need some accommodation to become oriented to the work environment, to perform efficiently and get from one place to another.

Some persons who are mentally retarded may require extra patience from supervisors and co-workers in repeating instructions, explanations and demonstrations of job tasks. Demonstrations may be more important than verbal instructions. Written instructions, size, quantity and quality discriminations might be color coded, etc. On-the-job evaluation and on-the-job training may be used to provide this accommodation.

Some jobs, which consist of a variety of tasks, can be broken down into smaller components so that each job consists of only a few such tasks. One or more workers would then be responsible for greater output of a more limited nature.

In some cases, less complex duties may be removed from higher level positions and assigned to an employee who in mentally retarded. This type of restructuring can promote more effective utilization of human resources at all levels.

Phone answering duties can be shifted when practical to accommodate the person with hearing loss. When phone communication is essential, another person can assist in receiving and transmitting messages, or someone who works closely with the deaf employee can substitute.

Conferences can be diffucult if a deaf person is to participate. Deaf conferees need to be notified far enough in advance to allow time to thorough preparation if necessary. The deaf individual can sit next to someone who it taking notes. A co-worker or supervisor who communicates well with the deaf person can also help communication between the deaf employee and other participants.

3. Work-Site Modifications

The nature of the handicapping conditions will determine the nature of work-site modifications needed. This may include the modification of existing furniture, tools and equipment or the purchase of simple adaptive devices.

Accommodation for a wheelchair could include raising a desk on blocks, altering a workbench, making bins or necessary file drawers accessible, and changing foot controls to hand controls.

For the person with reach or grasp limitations, amazing technological advances provide a wide variety of usable control or switching devices applicable to almost any equipment. Other easy modifications may include replacing small switches or knobs with larger ones easier to grasp or control; positioning necessary equipment within reach or providing reaching or grasping tools.

Color coding bins or other guides can aid a person who is mentally retarded. Braille or raised lettering can easily be placed on bins and files for the individual who is blind.

Writing or drawing aids such as braille writers, templates, paper punches and scriptwriting guides; braille calipers, micrometers, carpenter's level, rulers, saw guides, talking calculators and various optical aids such as magnifying devices or large print can accommodate a blind or visually impaired person.

4. Attitude Modification

The economic well-being of our nation and community as well as employers is greatly dependent upon the productivity of workers. Thinking in terms of ability instead of disability is key to recognizing the handicapped person's potential for contribution. When properly placed, handicapped individuals exhibit high levels of motivation, productivity and dependability.

As a teacher-coordinator, you can help employers become more aware of what the person CAN do. Activities that can be used:

- provide information to develop positive attitudes at all levels from top management to supervisors and co-workers.
- awareness training sessions can be an effective tool to bring a number of employers together at one time.
- employer tours of other plants employing qualified workers who are handicapped can be arranged.
- employer tours of O.J.T. sites, schools, and rehabilitation facilities will show resources being used and support that is available.
- providing material to help in hiring and supervising workers with handicapping conditions.

DETERMINING WHAT IS "REASONABLE."

Each plan, job site and operation is as unique as each handicapped applicant. The Department of Labor determines what is reasonable or what constitutes an undue hardship for an employer based upon business necessity and financial cost versus the size of the contract.

- a person with a significant hearing loss applies for a temporary phone survey job. The work must begin now and be completed in two weeks. The immediacy short duration are business necessities which might not make accommodation reasonable.
- work for a $20,000 contract cannot be moved from the second floor and the cost of an elevator for a single wheelchair would be an example of undue hardship.

Reasonable Accommodation is not just physical plan alteration for a wheelchair. It is a much broader concept including job redesign or restructuring, modifications of the work-site and modification of attitudes or elimination of stereotypes, such as, "I've done it for years with two hands, I don't see how someone can do it with one."

Reasonable Accommodation relates to all qualified job applicants including those with hearing or visual disabilities, mental retardation, arm restrictions, emotional problems, etc. - not just the mobility impaired person. Remember, reasonable accommodation applies to the qualified applicant. It is not an attempt to lower production standards to accommodate an applicant who is not qualified to do that job.

Most often, major accommodations are unnecessary. Where accommodations are necessary, they are often inexpensive. They usually don't disrupt a normal work flow and may even point to changes benefiting nonhandicapped workers and increasing productivity for everyone.

Reasonable accommodation is not a charitable effort for the "poor disabled person." Reasonable accommodation is a necessary change to allow the qualified applicant equal opportunity to be a productive, profitable employee. Reasonable accommodation is not just the law, it is a sound business investment - an investment in people who otherwise could not be productive.

ACCOMMODATION RESOURCES

1. The job applicant who is handicapped is often the best resource. He or she has been adapting for some time.
2. You, as a teacher-coordinator, can be a prime resource for ideas, job analysis, and finding other external resources for employers.
3. The supervisor on the job often has a great deal of experience adapting jobs and equipment for a variety of reasons. Job accommodation for the handicapped applicant may not be a big problem if the supervisor is interested in making accommodations.
4. Safety engineers.
5. Vocational rehabilitation staff - a Rehabilitation Engineer, Placement Specialist, or Counselor.
6. Staff members from the Governor's Committee on Employment of the Handicapped.
7. Staff from OSHA.
8. Industrial arts instructors.
9. Physical therapists.
10. Manufacturers of adaptive equipment.
11. Other employers involved in accommodation.

SELF-CHECK

The XYZ Company of Iowa has recently contracted with the Department of Defense to demolish an old armory building and to erect a new one on the same sight. The XYZ contract amount is $900,000. XYZ has subcontracted with Alice Sisters, Inc., a local demolition firm, to provide technical assistance on the demolition of the existing structure. Alice Sisters will receive $2,350 for their technical assistance. Alice Sisters, Inc. also has another subcontract with Junk Co. to demolish a hanger at the local airport for the Federal Aviation Agency. This subcontract is for $2,000. Alice Sisters is in the process of expansion and in seeking an office manager. In response to a local newspaper advertisement, two candidates were selected for an interview. They were Hank James and Dolly Smith.

Hank James in 5'11", 260 lbs., thirty-one years old. He has three years experience as a secretary/bookkeeper and two years as an office manager. Due to the restrictions of polio, he wears one long leg brace, one short leg brace and uses crutches.

Dolly Smith is 5'7", 123 lbs., twenty-two years old who has just graduated from Zinc Business School. She is a part-time model.

Dolly was hired.

1. Since Alice Sisters in not a prime contractor, only a subcontractor, they had a right to hire Dolly.

   _____True _____False

2. Alice Sisters had a right to hire Dolly rather than Hank because Hank is not a qualified disabled individual under the law.

   _____True _____False

3. The Alice Sister's hiring action is not subject to affirmative action review as neither of their contracts is for $2,500 so Section 503 does not apply.

   _____True _____False

XYZ (primary contractor) has a position for an inventory clerk. Job tasks include compiling information and records to prepare purchase orders for procurement of materials; verifying specifications of purchase requests; searching inventory records or the warehouse to determine if material on hand is in sufficient supply; writing purchase orders, and sending copy to supplier and person originating the request; compiling records of material purchased, prices, deliveries and inventories. Occasional help in shipping and receiving requiring lifting up to 80 lbs. Job applicants for this position include Bill Arnold and Tina Tweed

Bill Arnold had previously worked for an insurance company as a purchasing clerk for nine months and has a good recommendation from his previous employers. He also has had a low back injury and is restricted to lifting no more than 20 lbs.

Tina completed high school and was a delivery person for a bakery and a has a good recommendation from her employer.

Tina was hired.

4. XYZ is justified in not hiring Bill for the inventory clerk position because he is unable to meet the job requirement of lifting 80 lbs.

   _____Ture _____False

5. Since Bill is not a client of Vocational Rehabilitation, he is not protected by Section 503.

_____True _____False

XYZ has advertised for an accountant to coordinate activities of workers engaged in general accounting and applying accounting principles and implementing systems. The job requires a CPA.

Jon Spalding is a 38 year old man who was a CPA with a large building contractor in Idaho for five years.

Sally Willis is a 34 year old woman who is paralyzed from the waist down due to a diving accident. She can drive her own car and uses a wheelchair. Sally worked as a CPA for Bendix Corporation for four years where she was in charge of federal contracts.

XYZ was impressed with the quality of both applicants. They decide, upon interview, that Jon was best suited for this job. Also, if they hired Jon they would not have added expenses making the building accessible for Sally.

6. Jon was qualified for the job and in hiring him they did not discriminate against Sally.

_____True _____False

7. XYZ is not obligated under Section 503, at this time, since 120 days has not expired since their $900,000 federal contract began.

_____True _____False

8. Assume that Sally is told that she was not hired because XYZ wanted a man for this job. She can claim discrimination under Section 503.

_____True _____False

9. Assume that Sally is told that she was not hired because XYZ could not justify the cost of a ramp, getting a new desk, making the bathroom accessible and lowering the drinking fountain. This cost is not "reasonable" for XYZ.

_____True _____False

10. Assume that XYZ offered the CPA job to Sally but stated that starting pay would be $1,500/year less than originally offered due to the cost of remodeling. XYZ is in violation of Section 503.

_____True _____False

DIRECTIONS: After completing the Self-Check, turn to page 23 for suggested answers.

PRE-TEST: GOAL 3

IDENTIFY AND ANSWER COMMON EMPLOYER CONCERNS ABOUT HIRING THE HANDICAPPED

DIRECTIONS: If you wish to attempt the module assessment, complete the questions for the pre-test. If you do not wish to take the pre-test, turn to page 17 to begin the Learning Activities.

1. What type of relationship should a coordinator develop with employers regarding effective employment of the handicapped?

2. List 2 common questions that employers might ask, and responses to these questions.

3. List several findings of research that relate to employment of the handicapped.

DIRECTIONS: When finished with the pre-test, please turn to page 26 and compare your answers with the pre-test key. If you missed any questions, read the material on pages 10-13.

LEARNING ACTIVITIES

GOAL 3: IDENTIFY AND ANSWER COMMON EMPLOYER CONCERNS ABOUT HIRING THE HANDICAPPED

DIRECTIONS: Read pages 17-22 and then complete the Self-Check.

INTRODUCTION:

Employers will often have concerns about hiring handicapped individuals. As a teacher-coordinator, you must be able to respond to those concerns. The employer concerns and objections are real and important to that employer. Allow the employer to express his/her concerns and LISTEN carefully. A majority of employer concerns and objections may be based upon a lack of information, incorrect information, stereotype, prejudice or fear. Such concerns may impose a far greater job handicap than does the disability itself.

Remember, you are a qualified professional and have a service to perform for both the employer and your students. It does no good to argue. Instead, a positive relationship should be developed that leads to employment for the student. You must learn the employer's needs and resources. Then you can help the employer to realize what can be done currently and what the student can learn to do for the employer.

PROVIDING INFORMATION

Many studies and publications provide useful information for you to use in helping employers. Become familiar with those resources and the information they contain. If possible, make copies available to employers who have questions about hiring the handicapped.

Two useful publications are included in this module. On page 18, common employer concerns are listed with appropriate responses.[1] Major research on employment of handicapped persons is summarized on pages 19-20[2].

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[1] "Affirmative Action To Employ Handicapped People, A Pocket Guide," The President's Committee on Employment of the Handicapped, Washington D.C. 20210.

[2] "Dealing With Employer Objections: Summary of Major Studies," Personnel Journal, March, 1978. p. 146.

TEN REASONS WHY I CAN'T HIRE THE HANDICAPPED

1. I don't have anything they can do right now.
2. I already do my share by chairing the Community Fund Drive.
3. Of course I'd employ someone with epilepsy. We have a good spot on the midnight shift at the warehouse where no one will notice.
4. Blind people have those dogs around all the time. I can't have a dog in here.
5. But if I hire someone who has cerebral palsy, my customers are going to be offended by the way that kind of person moves.
6. Yes, mentally retarded men make good janitors, but if you don't supervise them carefully they might bother the women in the office.
7. Deaf people don't want to work here. They'd rather work with their own kind.
8. People in wheelchairs always need someone around to help.
9. Handicapped people take too much sick time.
10. They're just not grateful if you do hire them.

AND DEALING WITH THEM

1. No jobs at all? Actually, there isn't a job in your business that can't be done successfully by a person who could be labeled "handicapped." (And that includes yours!) Think individual abilities matched to specific job requirements.
2. And charity is a good cause. But it's not a reasonable solution for a person who wants to earn a living . . . and has the skills to do so.
3. What you're really saying is that you don't want to be around when the person has a seizure. (If there ever is a seizure.) You don't have enough information about the disorder to know that many cases are controlled by medication and that a seizure is more traumatic for you than the individual involved. You need facts to dispell fears.
4. That's a really lame excuse. Most persons actually use long canes, and leader dogs are trained to an obedience that makes it quite feasible to have one in the office without disrupting routine. The issue is the blind person. . .not the dog.
5. As a child, you were taught not to stare at a crippled person. So you learn to politely avoid looking at all. The aim is to look through the "difference" and see the man or woman as a whole person, and if you think this takes time, patience and a sense of humor on your part. . .think what the individual with the disability is going through! But if the placement is solid, you'll most likely end up with positive feedback from you customers, both regarding the employee's abilities and your open minded hiring practices.
6. That old wive's tale is so far wrong, all we can say is remember that mental retardation means slower learning and thinking. . .not mental illness.
7. Of course the deaf person wants to be able to communicate with someone. You feel the same way when you travel in a foreign country. Work out common methods of communication - writing, simple signing, learning to finger spell.
8. Ask someone who's been in one for years! As long as physical barriers don't present insurmountable obstacles, most users of wheelchairs are highly mobile and often fiercely independent.
9. Statistically, handicapped persons take less sick time; have lower absentee rates and less lost time for late arrivals.
10. If you want gratitude, give all your employees a surprise bonus. If you want competent employees, hire by abilities.

Summary of Major Studies of Handicapped Employees
Compared to Nonhandicapped Persons

		Coverage	Findings
1.	Du Pont Study 1973 (A)	1,452 people covering disabilities such as blindness, heart disease, vision impairment, amputation, epilepsy, paralysis, hearing impairment, total deafness	1) No increase & lost time in disabling injury. 2) Safety: 93% were average or better 3) Job stability: average or better 4) Special privileges: none 5) Attendance: 79% - average or better 6) Job performance: 91% - average or better 7) No increase in insurance costs
2.	A Joint Study by the U.S. Chamber of Commerce & National Association of Manufacturers, 1949 (B)	600 companies surveyed with 279 reporting	1) No effect on insurance costs as a result of hiring the disabled 2) Lower absenteeism, lower turnover, good job performance
3.	The BLS Study, 1948 (C)	109 plants (manufacturing) covering 11,000 impaired workers & 18,000 unimpaired workers--comparative performances	In terms of total work performance, quality of job, work injury, turnover, absenteeism, there is very little difference between an impaired and an unimpaired person. The only exception was a slight increase in absenteeism--that, too, is not statistically significant.
4.	The Canadian Chambers of Commerce Study 1976 (D)	195 Chamber members responding to a question, "Why has your company not considered the possibility of hiring the handicapped?"	Employers were uninformed about what handicapped persons can do.
5.	The Rehabilitation Institute of Chicago, 1976 (E)	Based on 275 follow-up cases of placed clients (primarily paraplegics)	1) Accidents are lower 2) Job performance is the same or better 3) Insurance costs do not go up 4) Turnover was exceptionally low 5) Absenteeism is lower 6) Minimum or no special accommodations
6.	President's Commission on the Employment of the Handicapped (F)	Unkown; primarily based on other studies	Tremendous need to educate employers and public
7.	Federation of Employment & Guidance Service of New York City (G)	1,470 older disabled clients	1) Large majority want to work and retain sufficient ability to do so 2) Attitude of employers, labor unions and public in general are serious deterrents 3) With proper rehabilitative assistance, most older persons can work

	Coverage	Findings
8. Author's Study, 1976-77	16 major corporations employing approximately 8,000 handicapped people	1) Lower absentee rate (one company reports 3.4% as compared to 13. of the nonhandicapped) 2) No impact on insurance costs 3) Job performance is the same or better 4) Minor accommodations to no accommodations 5) Lower turnover 6) Labor-management cooperation 7) Effective outside rehabilitation agencies needed

(A) Joe Wolfe, "Disability is No Handicap for Du Pont," The Alliance Review, Winter 1973-74; also reported by Robert B. Nathanson, "The Disabled Employee: Separating Myth from Fact," Harvard Business Review, May-June, 1977, pp. 6-8.

(B) Chamber of Commerce of the U.S. & The National Association of Mgf., Employment of Physically Handicapped & Older Workers, Washington, D.C. 1949.

(C) The Performance of Physically Impaired Workers in Manufacturing Industries, U.S. Dept. of Labor, BLS, Bulletin, #923, 1948.

(D) Susan Paquette, "Hiring the Handicapped: Fact and Fantasy, "The Labor Gazette, April, 1976.

(E) Personal interview.

(F) Where Do We Go From Here? A report on the 1976 Annual Meeting of the President's Committee on Employment of the Handicapped.

(G) Labor Gazette, March, 1969.

The Teacher-Coordinator as a Resource

As a teacher-coordinator, you can provide qualified student-applicants for on-the-job training, and to fill needed jobs in the community. In addition, you can provide a variety of services to help the employer find, maintain, and promote productive qualified handicapped applicants. Finally, you can assist the employer to understand and effectively implement the general requirements of Section 503 of the Rehabilitation Act of 1973:

- Make sure there is a clear company policy to improve opportunities for handicapped persons.
- Provide orientation or awareness programs to explain the purposes of affirmative action to all employees.
- Work with training sponsors to increase their understanding of persons with special needs.
- Offer services in outreach, positive recruitment and external policy dissemination, to assist the employer to meet requirements.
- Help with job analysis procedures so the employer can make sure that written job requirements directly relate to job demands.
- Be a resource when an employer has a concern about an applicant's mental or physical limitations.
- Provide technical assistance in areas of job accommodation and help obtain other community resources where necessary.
- Provide employee follow-up services to help keep good employees working and to solve problems when necessary.

In fact, an employer's cooperative efforts with you and the school can be a written component of Affirmative Action. Review the following list of "do's and don'ts". They summarize coordinator relationships with employers, you should assume that change will be made in Federal and State legislation and regulation that applies to employment of the handicapped. In your role as a resource for employers, you must be familiar with Federal and State agencies and up-to-date with legislation.

WORKING WITH EMPLOYERS

SOME BASIC DO'S

1. Become knowledgeable about Title V of the Act, especially Sections 501, 503 and 504, in order to better serve students and employers

2. Assume that employers want to comply with the law. Become an employer resource.

3. Inform all employers of the availability of your services.

4. Inform handicapped persons of their rights under Title V.

5. Become more of an expert in all phases of the education, rehabilitation and employment process in order to provide technical advice and assistance to employers.

6. Be aware of available community resources which may assist employers in their affirmative action efforts.

7. Know where to direct persons and employers concerning compliance actions.

8. Deal honestly with employers concerning the qualifications and/or accommodation needs of handicapped persons.

9. Anticipate the personnel needs of employers in order to have qualified handicapped persons available in a timely fashion.

10. Make sure your students are truly qualified.

11. Practice what you preach.

SOME BASIC DON'TS

1. Use the Rehabilitation Act of 1973 and the resulting regulations as a threat to coerce employers to hire handicapped persons.

2. Become involved in compliance actions. (This does not exclude your assisting a student in preparing and filing a complaint.)

3. Offer opinions on whether an employer's affirmative action program meets compliance standards.

4. Belittle an employer's affirmative action efforts, but offer constructive advice and assistance.

Self-Check Keys

Goal 1

1. Which employers are covered by Section 503?

   All employers having Federal Government contracts or subcontracts for supplies or services over $2,500.

2. What does Section 503 require of all covered employers?

   a. The employer must not discriminate in personnel actions including hiring, job assignments, transfers, promotions, terminations, etc.

   b. Each employer must include an Affirmative Action clause in every contract or subcontract.

3. What must larger contractors do?

   An employer holding a contract or subcontract of $50,000 or more and having at least 50 employees, must develop an Affirmative Action program within 120 days of contract commencement. The program must be reviewed yearly and explanation of any major changes must be made available to applicants of employees.

4. Who is handicapped?

   A handicapped person is anyone who:

   a. has a physical or mental impairment which substantially limits one or more of his/her major life activities;

   b. has a record of such impairment;

   c. is regarded as having such an impairment.

Goal 2

1. False

   Both prime contractor as well as subcontractors are bound by Section 503 regulations if the $2,500 figure is met.

2. False

   A handicapped person is anyone who:
   *has a physical or mental impairment which substantially limits one or more major life activities; or
   *has a record of such an impairment; or
   *is regarded as having such an impairment.

   Hank is certainly covered by this definition due to limited mobility and the need to use leg braces and crutches.

3. True

Neither contract is for more than $2,500, even though when added together they exceed the required amount. Neither XYZ or Alice Sisters needed to include an Affirmative Action clause.

However, if these were not "one-shot" type contracts for Alice Sister, the responsibility can be established for Section 503 coverage. If XYZ and Junk Co. work on a regular basis with Alice Sisters, Sisters is involved in a patterned working relationship with Federal Contractors. In this case, they would be bound by Section 503 regulations and the answer would be FALSE.

4. False

XYZ ignored reasonable accommodation. The occasional lifting is not viewed as an essential function of the inventory clerk job - - a job for which Bill is qualified. In order to accommodate Bill, job restructuring might provide that another employee assume this task. Bill might then assume, if neccessary, additional tasks to allow a co-worker to do the occasional lifting. Cost of this accommodation is zero. If this type of restructuring is unreasonable, XYZ must be able to document why.

5. False

Bill faces no requirement for any kind of registration. Any person is covered under Section 503 if they meet the definition of handicapped person (answer #2 on the following page). If Bill files a complaint with the Department of Labor, Office of Federal Contract Compliance (OFCCP), that office will first establish that the complaint is covered by Section 503. OFCCP establishes that XYZ is a covered federal contractor. At this point, a signed statement by Bill that he is handicapped by Section 503 definition is sufficient. If the case proceeds, in some instances, OFCCP may ask for medical verification of stated disability.

*Refer to Appendix B for information about the Section 503 complaint process.

6. True

This situation is a little muddy since both Jon and Sally are qualified for the job. For a successful complaint, Sally would have to argue that she is equally qualified or better qualified than Jon and didn't get the job due to discrimination related to her handicap.

However, if Jon was hired to avoid expenses of accommodating Sally or because XYZ didn't want a person "like that" around, they would be in violation.

7. False

Each Federal contractor or subcontractor with a contract of $50,000 and having 50 or more employees must prepare and maintain a written affirmative action plan or program within 120 days of contract commencement. However, the contractor is under immediate obligation to practice affirmative action.

8. False

Section 503 pertains only to handicap. Sally, however, may seek remedy under Title VII of the Civil Rights Act of 1964, as amended; under Executive Order 11246; the Equal Pay Act; and any applicable state regulations.

9. Probably False

OFCCP will base a reasonable accommodation decision based upon the unique facts of each case. XYZ is a large company and has a substantial Federal contract. More accommodation would be viewed as "reasonable" than if the contract and XYZ were small.

Is the anticipated modification cost inflated because XYZ overlooked some more simple approached? Probably a new desk is not necessay; the drinking fountain, if necessary, becomes accessible by putting a disposable cup dispenser on the wall.

There are many factors about XYZ - a construction company; the contract size, and cost of necessary modifications considered by OFCCP in making its decision. It would appear that the needed changes would be considered "reasonable accommodation."

10. True

Section 503 regulations, the XYZ affirmative action clause and the XYZ program or plan would all state that XYZ will not discriminate in terms of ". . .rates of pay or other forms of compensation. . ."

PRE-TEST KEYS

GOAL 1

1. Describe affirmative action as it relates to the handicapped.

   Handicapped persons are members of a "protected class" as defined by Federal legislation. As such, qualified handicapped persons must have equal opportunities for employment.

2. Describe the primary role of a work experience teacher coordinator in affirmative action.

   The coordinator is not an affirmative action enforcer. Instead she/he should develop good relationships with employers and serve as an effective resource for the development of job opportunities for the handicapped.

3. Identify the primary federal legislative act and the three major sections of that act that relate to employment of qualified handicapped persons.

   The Rehabilitation Act of 1973, Title V
   1. Section 501 deals with employment in departments and agencies of the Federal government.
   2. Section 503 relates to federal contractors and subcontractors.
   3. Section 504 covers any program or activity receiving federal financial assistance.

GOAL 2

1. Define "Reasonable Accommodation."

   Employers must make efforts to accommodate the employment needs of handicapped persons.

2. Identify the four areas of job accommodation.

   Accessibility
   Job redesign or restructuring
   Work site modifications
   Attitude modifications

GOAL 3

1. What type of relationship should a coordinator develop with employers regarding effective employment of the handicapped?

   As a resource to employers, the coordinator should listen, respond to concerns, correct misinformation, and assist employers in developing affirmative action procedures.

2. List 2 common questions that employers might ask, and responses to these questions.

   Questions and responses are listed on page 18. Review you answers using that list.

3. List several findings of research that relate to employment of the handicapped.

   A summary of research can be found on pages 19-20. Review your answers using that summary.

POST TEST

1. Outline a plan to use with employers to assist in the employment of handicapped students. Include in the plan:

   1. A summary of important Affirmative Action legislation.

   2. Addresses of State and Federal agencies that assist in Affirmative Action.

   3. Publications that can be supplied to employers.

   4. Activities designed to inform and update employers and other community people about Affirmative Action activities.

DIRECTIONS: Your plan will be reveiwed by your instructor when it is completed.

ADDITIONAL RESOURCES*

Part 60-741 - Affirmative Action Obligations of Contractors and Subcontractors for Handicapped Workers, Federal Register Vol, 41, N. 75, pp. 16147-16155 - April 16, 1976.

"Affirmative Action, Title V can be a profitable investment," West Virginia Research and Training Center, Institute, West Virginia 25112.

"Affirmative Action, A Resource Manual for Vocational Rehabilitation," 11.

"Affirmative Action To Employ Handicapped People, A Pocket Guide," The President's Committee on Employment of the Handicapped, Washington D.C. 20210.

"Affirmative Action Section 503," Modular Placement Training Program, Human Resources Center, Albertson, New York 11507.

"Employment of the Handicapped in State and Local Government," U.S. Civil Service Commission, Bureau of Intergovernmental Personnel Programs, BIPP 152-83.

"Loban, Lawrence N., "The Problem of Imposed Handicap," Personnel Journal, Vol. 47, No. 5, May 1968.

"Dealing with Employer Objections: Summary of Major Studies," Personnel Journal, March, 1978, p. 146.

*These resources were used in the development of this module.

SECTION 503 PLAN CHECKLIST

The attached "check list" can be a Section 503 tool or guide. It outlines an action plan to assist with Affirmative Action and compliance.

I. General Responsibilities
II. Executive Management of Affirmative Action Policy
III. Recruitment
IV. Internal Communications
V. Procedures
VI. Accommodations
VII. Publications

You as a teacher-coordinator can utilize this plan to assist an employer in developing or revising policy and procedure and for helping to accomplish equal opportunity.

CHECK LIST FOR AN AFFIRMATIVE ACTION PLAN FOR THE HANDICAPPED

I. GENERAL RESPONSIBILITIES

_____ *Employ and advance in employment qualified handicapped individuals including:

_____ * Employment
_____ * Upgrading
_____ * Demotion or transfer
_____ * Recruitment or recruitment advertising
_____ * Layoff or termination
_____ * Rates of pay or other forms of compensation
_____ * Selection for training, including apprenticeship

_____ *No reduction in compensation to the handicapped because of disability income, pension or other benefit the employee receives from other sources.

_____ Careful selection and training of all personnel involved in recruitment, screening, selection, promotion, and discipline to ensure elimination of bias.

_____ Special effort made to include handicapped persons on Personnel Relations Staff.

II. EXECUTIVE MANAGEMENT OF AFFIRMATIVE ACTION POLICY

_____ Appoint executive to be director or manager of Affirmative Action activities with top management support.

_____ Manager to have staffing to executive assignment.

_____ Manager name appears on all communications of Affirmative Action Policy.

_____ Manager to communicate techniques of Affirmative Action Policy, both internally and externally.

_____ Manager to design and implement audit and reporting systems to measure the effectiveness of Affirmative Action Policy:

_____ Indicating the need for remedial action.
_____ Determining the degree to which objectives have been attained.

_____ Manager to keep top management informed of latest developments in Affirmative Action area.

_____ Manager to serve as liaison between contractor and:

_____ Enforcement agencies
_____ Organizations serving the handicapped

_____ Manager to assist line management in solving problems.

_____ Manager's staff to handle career counseling for all handicapped employees.

_____ Manager staff responsibilities:

_____ Assist in identification of problem areas
_____ Audit each location as to compliance:
_____ Proper adoption or implementations of accommodations
_____ Extension of full opportunities to handicapped employees
_____ Encouragement of participation to full extent of abilities in company-sponsored eduction, training, recreation, and social activities
_____ Prevention of harassment
_____ Inform supervisors that their work is evaluated on the basis of their Affirmative Action efforts and results.

III. RECRUITMENT

_____ *Review employment practices to make sure they provide Affirmative Action for qualified handicapped persons and modify or implement new procedures as indicated.

_____ *Communicate the existence of Affirmative Action Plan to prospective employees and invite them to identify themselves if handicapped and wishing to benefit under the Affirmative Action Plan.

_____ Provide position descriptions and worker specifications to all persons involved in recruitment, screening, selection, and promotion.

_____ Inform all recruiting sources of Affirmative Action Plan, verbally and in writing with stipulation that they actively recruit and refer qualified handicapped persons for the positions listed, with recruitment sources to include:

_____ State Employment Service
_____ State Vocational Rehabilitation agencies or facilities
_____ Sheltered Workshops
_____ College Placement Officers
_____ State Educational Agencies and Area Educational agencies
_____ Local High School Special Education Programs
_____ Labor Organizations
_____ Social Service Organizations serving the handicapped
_____ Schools for deaf, blind, and retarded

_____ Hold formal briefings on company premises with representatives from recruiting sources, including:
_____ Plant tours
_____ Presentations by handicapped employees
_____ Explanation of current and future job openings
_____ Position descriptions
_____ Worker specifications
_____ Making arrangements for follow ups and feedback

_____ Establish contacts with social service organizations and vocational rehabilitation agencies or facilities for advice, technical assistance, training, accommodations to be made, etc.

_____ Handicapped employees to be made available for career days, youth motivation programs, etc.

_____ Company to participate in work-study programs with rehabilitation facilities and schools which specialize in the handicapped.

_____ Use available resources for on-job-training programs.

IV. INTERNAL COMMUNICATIONS

_____ Internal communication via special meetings, of the obligations to engage in Affirmative Action so as to foster support among all employees by explaining:
_____ Attitude of Chief Executive Officer
_____ Intent of policy
_____ Individual responsibilities for implementation

_____ Periodically inform all employees of the commitment to Affirmative Action.

_____ Have regular discussions with local managers, supervisors, and employees to be certain that Affirmative Action Policy is being followed.

_____ Discuss Affirmative Action Policy in employee orientation and management training program.

_____ *Invite handicapped employees to identify themselves at anytime they wish, so as to benefit from the Affirmative Action Plan.

V. PROCEDURES

_____ Develop internal procedures to insure that Affirmative Action Policy is fully implemented.

_____ Include the handling of complaints by the handicapped under existing internal review procedure.

_____ Review employment records to determine:

_____ Availability of promotable and transferrable qualified handicapped persons presently employed.

_____ Utilization or development of potentials and skills.

_____ That full opportunities are given.

_____ Supervisors are to take action to prevent the harassment of employees placed through Affirmative Action efforts.

_____ *Any medical data obtained concerning applicants or employees shall only be used in accordance with the Affirmative Action Plan, and kept confidential except from:

_____ Supervisors or managers who need to know about restrictions or accommodations for the handicapped

_____ First aid or safety personnel concerning possible emergency treatments necessary

_____ *Government officials investigating compliance with the Rehabilitation Act of 1973.

_____ *Any medical data required concerning a person's handicap will be based on the American Medical Association's Guides to the Evaluation of Permanent Impairment and will only be used to determine the existence not the degree of impairment.

_____ Annotate personnel or application records of each known handicapped person with:

_____ Each vacancy for which considered

_____ Each promotion or training program for which considered

_____ Reason for each refection including comparison of qualifications of handicapped person and person selected

_____ Accommodations made or considered or previous accommodations which made placement possible

_____ Reasons for compensation at lesser rate than non-handicapped persons in equivalent positions

_____ Have personnel or application records available for Department of Labor and company personnel officials for use in investigations and internal compliance activities.

_____ Review and update the Affirmative Action Plan annually.

VI. ACCOMMODATIONS

_____ Accommodations made to provide access to the employment office or an alternative application process for handicapped persons.

_____ Evaluation of the total selection process to prevent stereotyping the handicapped in a manner which limits their access to jobs for which they are qualified.

_____ *Reasonable accommodations made to the physical and mental limitations of employees or applicants unless it imposes an undue hardship on the conduct of business.

_____ Extent of accommodations necessary to be determined by:

_____ Business necessity

_____ Financial cost and expenses

_____ Resulting personnel problems

_____ Analyze position descriptions and worker specifications to insure that they:

_____ Reflect position functions as performed

_____ Are consistent from one location to another

_____ Reflect physical and mental requirements to assure they do not discriminate against qualified handicapped persons

_____ *Inquiries made of applicants' and employees' physical or mental condition are consistent with business necessity, safe job performances, and relate to the specific job for which they are considered.

VII. PUBLICATIONS

_____ Affirmative Action Policy to be included in company policy manual.

_____ Affirmative Action Policy to be publicized in company newspaper, magazine, annual report and other media.

_____ Affirmative Action Policy to be disseminated externally to encourage public response.

_____ Handicapped employees to be included whenever employees are featured or pictured in:

_____ Consumer advertising

_____ Help wanted advertising

_____ Employee handbook or similar publications

_____ *All employees and applicants to be informed of the existence of the Affirmative Action Policy and when and where it may be reviewed.

_____ Articles on handicapped employees' accomplishments to be included in company publications.

_____ *Inclusion of the Affirmative Action clause in all subcontracts or purchase orders of $2,500 or more.

_____ Written notification of Affirmative Action Policy to be sent to all subcontractors, vendors and suppliers requesting appropriate action on their part.

_____ Contact with unions to include:

- Notification of Affirmative Action Policy
- Request for cooperation
- Nondiscrimination clauses in all agreements
- Review of contractual provisions to insure they are nondiscriminatory

For further information on Affirmative Action for the Handicapped, contact:

U. S. Department of Labor
Employment Standards Administration

* The points that must be included in an Affirmative Action Plan for the Handicapped are indicated by an asterick (*), with the remaining points being guides for their accomplishment.

WHAT ABOUT COMPLAINTS?

Your student and/or the family need to know about Affirmative Action. As a student advocate, it is your responsibility to help provide the needed information.

Section 503 exists to provide a wide range of job opportunities for qualified handicapped applicants and to prevent discrimination. It can also encourage handicapped individuals to get into the labor market. Section 503 can help prevent the handicapped employee from being stuck in dead-end jobs when he/she is qualified for advancement and promotion.

Your role as a teacher-coordinator is that of *resource person.* You are a student resource as you make them aware of opportunities and protections of Section 503. You can be a student resource in the event of apparent discrimination. You may wish to help the student to prepare and file a complaint. It is NOT your role to become involved in compliance action.

RECOURSE:

In the event of possible discrimination of Section 503, the handicapped individual may file a written complaint with the Department of Labor, Office of Federal Contract Compliance Programs (OFCCP).

OFCCP is NOT an advocacy agency for either the complainant or the contractor. The OFCCP represents the enforcement of Section 503.

THE COMPLAINT PROCEDURE:

1. The student, or someone authorized as a representative, files a written complaint with OFCCP. This must be done within 180 days of the alleged violation. Information included in a signed complaint should include:
   - student's name, address, telephone number
   - employer name and address
   - description of the actions, including date(s), which appear to violate the regulations
   - brief statement describing the student's qualifications for the job
   - a statement by the student as to the disabling condition
   - any other pertinent data.

2. If the company has an internal review procedure, the complaint is directed there by OFCCP. Up to 60 days is allowed for conciliation and resolution of the complaint.

3. If the company does not have an internal review procedure or if 60 days has lapsed, OFCCP steps in to investigate the complaint.

4. If the OFCCP, after on-site investigation, shows no violation, the handicapped student can ask for review.

5. If the OFCCP investigation does support a violation, conciliation is attempted and the contractor will state in writing what corrective action will be taken. This can include hiring, restoration of job and back pay.

6. If conciliation does not provide a solution, the contractor has the opportunity for administrative hearing of the case.

7. If the violation against the contractor is upheld, it is possible for sanctions and penalties to be imposed by OFCCP. These can include the remedies mentioned above, judicial enforcement, withholding of contract progress payments, termination of the contract, disbarment from receiving future federal contracts.